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Manoel Tenorio

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i2 TECHNOLOGIES US, INC.  
ONE i2 PLACE, 11701 LUNA ROAD  
DALLAS, TX 75234

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3694

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/945,297	<b>Applicant(s)</b> TENORIO, MANOEL	
	<b>Examiner</b> MARY CHEUNG	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,13-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the RCE filed on June 23, 2008. Claims 1-2, 4-11, 13-20 and 22-29 are pending and examined.

### ***Response to Arguments***

2. Applicant's arguments filed June 23, 2008 have been fully considered but they are not persuasive.

The applicant argues that Shkedy fails to teach “a network coupled with a plurality of buyers and a plurality of sellers” and “a database associated with each of the plurality of buyers as claimed in claim 1. The examiner respectfully disagrees. The applicant states that Shkedy's central controller is merely an intermediary, does not equate to the “network”. First, the word “network” is defined as “A group of computers and associated devices that are connected by communications facilities” (see Microsoft Press Computer Dictionary, 3<sup>rd</sup> edition, page 327). Shkedy teaches a central controller 200 (see Figs. 1-2) coupled to the buyers and sellers, which the central controller corresponds to the “network” as the claimed limitation. Shkedy explicitly states that the central controller comprises three separated servers (column 7 lines 49-58); thus, it is satisfied the definition “network” which is a group of computers are connected by communication facilities. Secondly, in Fig. 2, Shkedy shows that the central controller is coupled to the buyers and sellers through the “network interface 245”. Shkedy also clearly teaches database storage device 250 comprises buyer account database 297 (see Fig. 2), but the applicant argues that the “database storage device 250” in Shkedy

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does not equate to “database” as recited in claim 1 because Shkedy’s database is associated with the central controller not each of the plurality of buyers. Examiner disagrees because Shkedy explicitly states that the database, specifically the buyer account database 297, tracks all buyer information, such as buyer’s name, bank and accredit account number (see column 11 lines 8-12).

In response to the applicant’s arguments that the examiner’s motivation for combining Haji and Shkedy’s teachings is to centralize transaction, whereas the applicant claims “locally store the one or more pricing tools received from one or more the plurality of sellers in the database, examiner believes that centralize transactions between buyers and sellers does not prevent pricing tools being stored locally.

In response to the applicant’s arguments that Halperin fails to teach “quantities of one or more items”, the examiner believes that Halperin clearly teaches this limitation, in particular at column 4 lines 2-3 and column 5 lines 38-39, recites “...shows purchase information, such as the item price, quantity...”, and “The consumer can read the price 61, its quantity 62...”. In addition, in figure 6a and figure 7, Halperin explicitly shows “quantity of one or more items” associated with an order.

The applicant argues that the evidence provided for supporting the examiner’s official notice is not sufficient. The examiner respectfully disagrees. As to claims 2, 11 and 20, Haji in view of Shkedy and Halperin teaches the one or more price tools (see claim 1 discussion). Haji in view of Shkedy and Halperin does not specifically teach the pricing tools are encrypted to prevent the pricing tool from being used to determine how price quotes are calculated. The examiner takes Office Notice that encrypting

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information for preventing unauthorized parties from revealing the information is old and well known in the art. The evidential prior art Tsiounis teaches encrypting information (§ 17), and further explicitly states that data encryptions are well known in the art (§ 40). Therefore, the examiner believes that the combined teaching of Haji, Shkedy, Halperin and the Official Notice teaches the claimed limitation, and Tsiounis provides sufficient evidence for supporting the examiner's official notice.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 10-11 and 13-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10-11 and 13-18 recite method for generating price quotes and is directed to purely mental steps. In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-788 (1876). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. Thus, to qualify as a statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example, by identifying the

apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example, by identifying the material that is being changed to a different state.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-10, 13-19 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haji et al., US 2002/0035511 A1 in view of Shkedy, US 6,260,024 B1, and in further view of Halperin et al., US 6,105,004.

As to claims 1 and 28, Haji teaches a system for locally generating price quotes, the system comprising: a server associated with a buyer, wherein the server is operable to (¶ 11, 75 and Figs. 1-2; *“a server associated with a buyer” corresponds to the receiving terminal in Haji’s teaching*):

- Receiving one or more pricing tools from one or more of the plurality of sellers, the one or more pricing tools operable to generate price quotes for one or more corresponding sellers (¶ 10, 70-75 and Figs. 1-2; *“seller” corresponds to “Server” as shown in Fig. 1 of Haji, and “pricing tools” corresponds to the quotation calculation program that generates price quotes for the computer products*);

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- Locally store the one or more pricing tools received from the one or more of the plurality of sellers in the database, such that the one or more pricing tools are locally accessible to the one or more server associated with the server (§§ 70-75 and Figs. 1-2);
- Access a request for quote (RFQ) specifying an order, the RFQ requesting a price quote for the order (§§ 74, 93-94 and Fig. 2);
- Communicate the RFQ to the locally accessible one or more pricing tools (§§ 74 and Fig. 2);
- Using the locally accessible one or more pricing tools received from one or more of the plurality of sellers, locally generate one or more price quotes for the order (§§ 74 and Fig. 2);
- Providing the locally generated one or more price quotes for the order for possible further action by the buyer (§§ 74-77 and Fig. 2).

Haji does not specifically teach a network coupled with a plurality of buyers and a plurality of sellers, and a database associated with each of the plurality of buyers.

However, Shkedy teaches this matter (Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow buyers and sellers in Haji's teaching to be coupled to a network and the buyers' information are stored in a database for better centralize transactions.

Haji modified by Shkedy does not specifically teach the specified order comprising quantities of one or more items. However, Halperin teaches pricing an order including calculation of quantities of the ordered items (column 4 lines 1-4 and column 5

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lines 37-45 and Figs. 5-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the specified order in the teaching of Haji modified by Shkedy to include quantities of the ordered items as taught by Halperin so that the buyer can have better idea of the total costs of the order that have multiple purchased items.

As to claim 4, Haji in view of Halperin teaches a buyer purchase items from a seller as discussed above. Haji in view of Halperin does not specifically teach a buyer group comprising two or more buyers buying items as a single entity. Examiner takes Office Notice that it would have been obvious to one of ordinary skill in the art to allow the teachings of Haji modified by Halperin to include the feature of a buyer group comprising two or more buyers buying items as a single entity for sharing better price of the purchased items.

As to claim 5, Haji further teaches determining validation of the pricing information received from the buyer by the seller, and the pricing information is valid only if the pricing tool is the latest version; and if the pricing information is invalid or outdated, recalculation is performed based on the updated price tool (§ 88-91). Haji does not specifically teach the buyer will receive the updated version of the pricing tools. However, since Haji teaches the pricing information is valid only use the latest version of the pricing tools (§ 89) and the pricing information is calculated in real time (§ 83), it would have been obvious to one of ordinary skill in the art to allow the buyer to receive the latest version of the pricing tools for accurately calculate the pricing information.



As to claim 6, locally generate a price quote for a modified order is taught by Haji as a price quote is locally generated based on the buyer's various of selections of the order (§ 74 and Fig. 2).

As to claim 7, Haji further teaches automatically calculating the price quote locally in real time (§ 83), and the price quote is valid only use the latest version of the pricing tool (§ 89). Haji does not specifically teach the modifications to the order are made automatically. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the modification of the order in Haji's teaching to be made automatically for accurately calculating the most recent price.

As to claim 8, iteratively modify the order and locally generate corresponding price quotes is taught by Haji as corresponding price quotes are locally generated based on the buyer's various of selections of the order (§ 74 and Fig. 2).

As to claim 9, Haji teaches the server is operable to locally generate the pricing quote independent of the communication with the one or more sellers subsequent to receiving the one or more pricing tools from the sellers (§ 75).

Claims 10, 13-19, 22-27 and 29 are rejected for the same rationale as used in claims 1, 4-9 and 28 because they are not patentably distinct between them.

7. Claims 2, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haji et al., US 2002/0035511 A1 in view of Shkedy, US 6,260,024 B1 and Halperin et al., US 6,105,004 as discussed above, and in further view of Official Notice evidenced by Tsiounis et al., US 2001/0032878 A1.

As to claims 2 and 11 and 20, Haji in view of Shkedy and Halperin teaches the one or more price tools as discussed above (see claim 1). Haji in view of Shkedy and Halperin does not specifically teach the pricing tools are encrypted to prevent the pricing tool from being used to determine how price quotes are calculated. The examiner takes Official Notice that encrypting information for preventing unauthorized parties from revealing the information is old and well known in the art. For example, Tsionis teaches encrypting information, and the technology of data encryptions is well known in the art (§ 17, 40). Therefore, it would have been obvious to one of ordinary skill in the art to allow the pricing tools in the teachings of Haji modified by Shkedy and Halperin to be encrypted for better protecting the information associated with the pricing tools.

### ***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300      (Official Communications; including After Final  
Communications labeled "BOX AF")

(571) 273-6705      (Draft Communications)

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
July 30, 2008